

K

Wachovia Corporation
Benefits
NC0960
Two Wachovia Center T4
301 South Tryon Street
Charlotte, NC 28288-0960



July 25, 2008

WACHOVIA

Mr. Thomas J. Hagner
Hagner & Zohlman, LLC
Commerce Center
1820 Chapel Avenue West Suite 160
Cherry Hill, NJ 08002

Re: Robert Conrad

Dear Mr. Hagner:

We are writing in response to your request of reconsideration of a denial of long-term disability (LTD) benefits for your client, Robert Conrad, as indicated in your letter of June 26, 2008.

Under the provisions of the Wachovia Long Term Disability Plan (the Plan), as indicated on page 110 of the Wachovia 2008 Benefits Summary Plan Descriptions:

- If you receive a notice from the Claims Administrator that your disability claim has been denied, you may request to see the documents relevant to the denial. You also may request, in writing, that the Plan Administrator review the denial (second level of appeal). However, your request must be made within 60 days of the date that the most recent denial from the Claims Administrator was received.

The information received indicates Liberty Mutual notified Mr. Conrad of the denial for LTD benefits beyond May 23, 2007 in a letter to you dated May 23, 2007. In that letter Liberty Mutual also indicated:

- "you may request a review of this denial by writing to the address below:

The Liberty Life Assurance Company of Boston
Attn: Kate Schulz
Disability Claims
P.O. Box 242484
Charlotte, NC 28224-9904

The written request for review must be sent within 180 days of the receipt of this letter and state the reasons why you feel your claim should not have been denied."

On January 18, 2008 Liberty Mutual responded to your written request for appeal. In that letter Liberty Mutual indicated: "Based on our review, the medical evidence on file does not support Mr. Conrad's inability to perform, on a full time basis, the material and substantial duties of any occupation for which he is qualified. Therefore, without proof of disability, we are unable to alter our determination and no further Long Term Disability benefits are payable."

Liberty Mutual also indicated in their January 18, 2008 letter:

- "If Mr. Conrad disagrees with this denial, he may make a written request to Wachovia Corporation's Benefit Committee. He may request to receive, free of charge, copies of all documents relevant to his claim. He may submit any additional information or comments he deems pertinent for review. All requests must be made in writing within 60 days of receipt of this letter and should be addressed to:
 - o Wachovia Corporation
Safety & Disability
Benefits Committee
Attn: Jim Beaver
Two Wachovia Center, T-4
301 South Tryon Street
Charlotte, NC 28288-0960

There are no records indicating receipt of any additional communications from Mr. Conrad or your office until receipt of your letter dated June 26, 2008, postmarked June 27, 2008. In the absence of submission of a written request for review within the 60 days of receipt of Liberty Mutual's January 18, 2008 letter, the Benefits Committee is unable to review the closing of Mr. Conrad's LTD claim as requested.

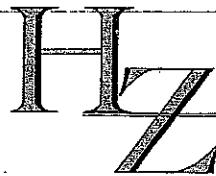
I am sorry the response could not be more favorable. If there are any questions please feel free to contact me at 704-374-3426.

Sincerely,



James L. Beaver
Senior Vice President
Human Resources Division

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HAGNER & ZOHLMAN, LLC

ATTORNEYS AT LAW

JOHN A. ZOHLMAN III ◊ *

THOMAS J. HAGNER ◊

◊ CERTIFIED BY THE SUPREME COURT
OF NEW JERSEY AS A CIVIL TRIAL
ATTORNEY

* ALSO MEMBER OF PA. BAR

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JZOHLMAN@HZLAWPARTNERS.COM
THAGNER@HZLAWPARTNERS.COM

August 20, 2008

Wachovia Corporation
Safety & Disability Benefits Committee
Attn: Jim Beaver
Two Wachovia Center, T4
301 South Tryon Street
Charlotte, NC 28288-0960

Re: Robert Conrad
Claim No. 2021495

Dear Mr. Beaver:

I am responding to your letter of July 25, 2008. Your letter was sent in response to my letter to you dated June 26, 2008.

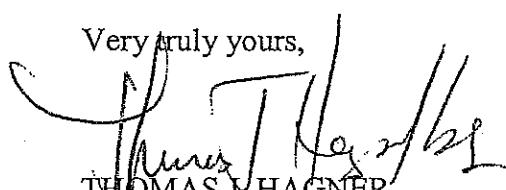
Unfortunately, you completely ignored the final paragraph of my letter of June 26, 2008. Unless I hear from you to the contrary within ten (10) days from the date of this letter I will assume that you are refusing to recognize Mr. Conrad's right, as a current employee, to seek long-term disability benefits.

Additionally, it has come to our attention that there was an ongoing written communications between Liberty/Wachovia and the Bassett Law Firm which is a law firm with Liberty/Wachovia engaged for the purpose of pursuing Mr. Conrad's SSDI claim. This was only recently learned when the Bassett Law Firm abruptly resigned and provided its files to Mr. Conrad. In review of the documentation supplied by Wachovia/Liberty in response to our numerous requests for all relevant documentation, significant documentation has been withheld. This includes pertinent information concerning Mr. Conrad's SSDI claim including e-mails by and between the Bassett Law Firm and Wachovia/Liberty. Kindly consider this letter as a formal demand for the immediate supplementation of previous documentation supplied including all

Wachovia Corporation
August 20, 2008
Page 2

previously improperly withheld documentation including all such written communications referenced above.

Very truly yours,


THOMAS J. HAGNER

TJH/bg

Dictated but not read.

cc: Robert Conrad

Liberty Mutual, Claim No. 2021495

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WACHOVIA

NO. 2690 P. 5/7

Wachovia Corporation
Benefits
NC0960
Two Wachovia Center T4
301 South Tryon Street
Charlotte, NC 28288-0960



August 28, 2008

WACHOVIA

Mr. Thomas J. Hagner
Hagner & Zohman, LLC
Commerce Center West Suite 160
Cherry Hill, NJ 08002

Re: Robert Conrad

Dear Mr. Hagner:

We are in receipt of your letter of August 20, 2008 that was received on August 27, 2008 regarding your client Robert Conrad.

Mr. Conrad would be eligible to seek benefits under the Wachovia Short-Term Disability (STD) Plan and the Wachovia Long-Term Disability (LTD) Plan as long as he remains eligible for the plans.

Eligibility for the (STD) plan is found on pages 81-82 of the Wachovia 2008 Benefits Summary Plan Descriptions. That section indicates:

If you are an employee of a participating employer or affiliate, you may participate in the plan, provided you are regularly scheduled to work. Cooperative education students, casual employees, leased employees, independent contractors, nonresident aliens, temporary employees, zero-hour employees, and certain employees transferring to the United States from a work location outside the country are not eligible for participation. You are eligible for the STD Plan after three months of service, provided you are actively at work on the date you are first eligible. "Actively at work" means that you perform work as a regularly scheduled full-time or part-time employee at your usual work location or at a location to which Wachovia requires you to travel. Once you have satisfied the eligibility period (three months of service), you will be considered actively at work if you were physically at work on the day immediately before:

- A weekend;
- A holiday;
- A paid time off (PTO) day; or
- Any nonscheduled workday.

For example:

If you were hired on January 1, you will be first eligible to participate in the STD Plan if you are actively at work on April 1, unless April 1 is a weekend, holiday, PTO or a nonscheduled workday. If you are not actively at work on April 1 for any other reason (i.e., an illness) and do not return until April 3, you will not be eligible to participate until April 3. If you are provided with

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NO. 2690 P. 6/7

notice of your termination of employment under the Worker Adjustment and Retraining Notification Act and you remain on-call and available for work, you will be deemed to be actively at work for purposes of the plan.

Additionally, page 90 Applying for Benefits indicates:

To apply for STD benefits, you must call Liberty at 800-853-7108 on or before the eighth consecutive calendar day of illness to report the claim and to provide the information Liberty will need in order to review and process the claim. If you know beforehand that you will be out for eight or more consecutive calendar days, you may call Liberty to file a claim anytime within 30 days before your disability is scheduled to begin.

Eligibility for the (LTD) plan is found on page 97 of the Wachovia 2008 Benefits Summary Plan Descriptions. That section indicates:

If you are an employee of a participating employer or affiliate, you may participate in the LTD Plan, provided you are regularly scheduled to work at least 20 hours per week. Cooperative education students, casual employees, leased employees, independent contractors, nonresident aliens, temporary employees, zero-hour employees and certain employees transferring to the United States from a work location outside the country are not eligible for participation. You are eligible for the LTD Plan after three months of service, provided you are actively at work on the date you are first eligible. "Actively at work" means that you perform work as a regularly scheduled full-time or part-time employee at your usual work location or at a location to which Wachovia requires you to travel. Once you have satisfied the eligibility period, three months of service, you will be considered actively at work if you were physically at work on the day immediately before: • A weekend; • A holiday; • A PTO day; or • Any nonscheduled workday.

For example:

If you were hired on January 1, you will be first eligible to participate in the LTD Plan if you are actively at work on April 1, unless April 1 is a weekend, holiday, PTO or a nonscheduled workday. If you are not actively at work on April 1 for any other reason (i.e., an illness) and do not return until April 3, you will not be eligible to participate until April 3. If you are provided with notice of your termination of employment under the Worker Adjustment and Retraining Notification Act and you remain on-call and available for work, you will be deemed to be actively at work for purposes of the plan.

Additionally, page 105 Applying for Benefits indicates:

An approved STD benefit does not automatically qualify you for LTD benefits. Liberty will continuously monitor your condition throughout the disability period. After the fourth month of an approved disability (whether paid or unpaid), you will receive information from Liberty about transitioning

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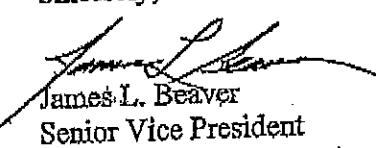
NO. 2690 P. 7/7

your claim to LTD. Your LTD claim must be approved by Liberty to qualify for LTD benefits.

In regards to your indication that documentation between Liberty and Bassett Law Firm was withheld from the files provided, Liberty Mutual has confirmed the information was provided in the files delivered. Liberty Mutual confirmed the text of the email communications received from Bassett Law Firm was cut & pasted into the claim notes included in the files provided.

If there are any questions please feel free to contact me at 704-374-3426.

Sincerely,



James L. Beaver
Senior Vice President
Human Resources Division